

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYRELL BELGARDE,

Defendant.

CR-17-72-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 4, 2021. (Doc. 52.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 3, 2021. (Doc. 47.) The United States accused Belgarde of violating his conditions of supervised release 1) by committing crimes on two separate occasions; 2) by failing to follow the instructions of his probation officer on two separate occasions; 3) by failing to maintain full time employment; 4) by failing to report for substance abuse

treatment; 5) by failing to report for mental health treatment; 6) by failing to report for substance abuse testing; and 7) by leaving Montana without obtaining the prior approval of his probation officer. (Doc. 46.)

At the revocation hearing, Belgarde admitted to violating the conditions of his supervised release 1) by failing to follow the instructions of his probation officer on two separate occasions; 2) by failing to maintain full time employment; 3) by failing to report for substance abuse treatment; 4) by failing to report for mental health treatment; 5) by failing to report for substance abuse testing; and 6) by leaving Montana without obtaining the prior approval of his probation officer. (Doc. 47.) Judge Johnston dismissed alleged violations 1 and 3 on the Government's motion. Judge Johnston found that the violation Belgarde admitted proved to be serious and warranted revocation, and recommended that Belgarde receive a custodial sentence of 7 months with 12 months supervised release to follow. (Doc. 52.) Belgarde was advised of his right to appeal and his right to allocute before the undersigned. (Doc.47.) The violations prove serious and warrant revocation of Belgarde's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 52) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Tyrell Belgarde be sentenced to the custody of the

United States Bureau of Prisons for 7 months, with 12 months supervised release to follow.

DATED this 19th day of August, 2021.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Brian Morris, Chief District Judge
United States District Court